



AUSTIN CITY COUNCIL
MINUTES

REGULAR MEETING
THURSDAY, MARCH 27, 2008

Invocation: Dr. Jacquelyn Donald-Mims, Pastor, Imani Community Church, AME

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, March 27, 2008 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:18 a.m.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member McCracken’s motion, Mayor Pro Tem Dunkerley’s second on a 7-0 vote.

1. Approval of the Austin City Council minutes from the March 20, 2008 meeting.
The minutes from the meeting of March 20, 2008 were approved.
2. Approve the issuance of a Letter of Intent for a rebate in the amount of \$65,375.11 to Catellus Development - Solar Sunflowers for the installation of a solar photovoltaic system at the project located at 1201 Barbara Jordan Boulevard in Austin. Funding in the amount of \$65,375.11 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission and the Electric Utility Commission.
The motion approving the issuance of a letter of intent for a rebate was approved.
3. Approve the issuance of a Letter of Intent for a rebate in the amount of \$100,000 to El Buen Samaritano Episcopal Mission for the installation of a solar photovoltaic system at 7000 Woodhue Drive in Austin. Funding in the amount of \$100,000 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission and the Electric Utility Commission.
The motion approving the issuance of a letter of intent for a rebate was approved.
4. Approve the issuance of a Letter of Intent for a rebate in the amount of \$100,000 to The Overlook at Rob Roy for the installation of a solar photovoltaic system at the project located at 6836 Bee Cave Road in Austin. Funding in the amount of \$100,000 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission and the Electric Utility Commission.
The motion approving the issuance of a letter of intent for a rebate was approved.
5. Approve the issuance of a Letter of Intent for a rebate in the amount of \$100,000 to University Credit Union, for the installation of a solar photovoltaic system at the project located at 130 Ben White

Boulevard in Austin. Funding in the amount of \$100,000 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission and the Electric Utility Commission.

The motion approving the issuance of a letter of intent for a rebate was approved.

6. Approve Service Extension Request No. 2696 for wastewater service not to exceed a peak wet weather flow of 147 gallons per minute (gpm) for multi-family development located within the Drinking Water Protection Zone in the City's extraterritorial jurisdiction at 9101 Circle Drive. There is no unanticipated fiscal impact. Recommended by the Water and Wastewater Commission. Not Recommended by the Environmental Board (see footnote).
This item was postponed to April 10, 2008.
7. Authorize negotiation and execution of an amendment to the professional services agreement with Lockwood, Andrews & Newman, Inc., Austin, Texas, for design completion (permitting), bid phase and construction management services for the 2004 Valve Replacement Program, in an amount not to exceed \$110,748 for a total agreement not to exceed \$426,139. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission. This project will be awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) with 14.10% MBE and 8.70% WBE subconsultant participation to date.
The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Lockwood, Andrews and Newman, Inc. was approved.
8. Approve an ordinance amending the Fiscal Year 2007-2008 Austin Water Utility Capital Budget of Ordinance No. 20070910-004 to appropriate \$20,000,000 for the Water Treatment Plant account. Funding is available from a Reimbursement Resolution. No Recommendation by the Water and Wastewater Commission. Related to item #19.
Ordinance No. 20080327-008 was approved.
9. Authorize negotiation and execution of an agreement with Airports Council International-North America (ACI-NA) for the City of Austin Department of Aviation to host the ACI-NA 2009 Annual Conference and Exhibition. Execution of the agreement with ACI-NA will obligate the City to expend approximately \$145,000 to host the Conference. Funding in the amount of \$40,000 is available in the fiscal year 2007-2008 budget. The remaining funds are subject to availability in the fiscal year 2008-2009 budget. Recommended by the Austin Airport Advisory Commission.
The motion authorizing the negotiation and execution of an agreement with Airports Council International-North America (ACI-NA) was approved.
10. Approve Contract Amendment No. 3 to the Interlocal Agreement with Austin/Travis County Mental Health and Mental Retardation Center for the provision of treatment services for certain Class B enhanced public intoxication offenders for Project Recovery in an amount not to exceed \$423,040. Funding in the amount of \$423,040 is available in the Fiscal Year 2007-2008 Approved Operating Budget for this program for Community Court.
The motion approving contract amendment number 3 to the interlocal agreement with Austin/Travis County Mental Health and Mental Retardation Center was approved.
11. Approve a resolution authorizing the acquisition for the Austin Clean Water Program: Govalle 2 - Harper's Branch Wastewater Improvement Project of a 4,753 square-foot permanent wastewater line easement, a 5,702 square-foot permanent wastewater line easement for a subterranean tunnel, a 19,254 square-foot permanent access easement, a 7,920 square-foot temporary working space easement, and pre- and post-construction structural surveys, out of - and a part of -Tract B of Teague-Buda Subdivision No. 1

in Travis County, Texas, located at 1124 South I-35 from the Housing Authority of the City of Austin, a non-profit organization in the County of Travis, State of Texas in the amount not to exceed \$162,303. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

Resolution No. 20080327-011 was approved.

12. Approve a resolution to authorize the payment of additional relocation and moving related benefits to Curtis Delancey d/b/a A&A Auto Salvage and Marian Delancey d/b/a Flash Enterprise/Flash Wrecker, the amount of \$100,000 for relocation benefits and up to \$25,000 in moving related expenses for a total amount not to exceed \$125,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration Grants. Recommended by the Airport Advisory Commission.

Resolution No. 20080327-012 was approved.

Item 13 was pulled for discussion.

14. Authorize execution of a construction contract with LAUGHLIN-THYSSEN, INC., Houston, Texas for ACWP Govalle Crosstown Basins SSO Abatement in the amount of \$2,766,761 plus a \$138,338 contingency, for a total contract amount not to exceed \$2,905,099. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Lowest of three bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 11.46% MBE and 4.50% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Laughlin-Thyssen, Inc. was approved.

15. Authorize the selection process to be used for Design Team for the New Central Library Project. There is no unanticipated fiscal impact. A fiscal note is not required.

The motion authorizing the selection process to be used for the design team for the new central library project was approved.

16. Authorize negotiation and execution of a professional services agreement with PARSONS WATER & INFRASTRUCTURE, INC., Austin, Texas for engineering services for the Drainage Infrastructure Geographical Information System (GIS) Data Acquisition project. The cost of the data collection and engineering will not exceed \$1,500,000 for the first year with two optional extensions of \$1,500,000 per year or until financial authorization is expended, for a total contract amount not to exceed \$4,500,000. Funding in the amount of \$1,500,000 is available in the Fiscal Year 2007-2008 Approved Capital Budget of the Watershed Protection & Development Review Department. Funding for the two optional extensions in the amount of up to \$1,500,000 each is contingent upon available funding in future capital budgets. Best qualification statement of seven received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals. 10% MBE and 8% WBE subconsultant participation.

The motion authorizing the negotiation and execution of a professional services agreement with Parsons Water and Infrastructure, Inc. was approved.

17. Authorize negotiation and execution of a professional services agreement with KENNEDY / JENKS CONSULTANTS, INC., Austin, Texas for engineering services for the Operations and Maintenance Management System (OMMS) for Wastewater Treatment and Biosolids Management Plants project, in an amount not to exceed \$1,200,000. Funding is available in the Fiscal Year 2007-2008 Approved Capital Budget of the Austin Water Utility. Best qualification statement of three received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned

Business Enterprise Procurement Program) by meeting the goals with 17.30% MBE and 15.00% WBE. Recommended by the Water and Wastewater Commission.

The motion authorizing the negotiation and execution of a professional services agreement with Kennedy/Jenks Consultants, Inc. was approved.

18. Authorize negotiation and execution of a professional services agreement with CARTER & BURGESS, INC., Austin, TX for planning, engineering design, construction administration and warranty period services for the Boardwalk at Lady Bird Lake project in an amount not to exceed \$1,400,000. Funding is available in the Fiscal Year 2007 - 2008 Approved Capital Budget of the Parks and Recreation Department. Best qualification statement of seven received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 17.10% MBE and 15.30% WBE subcontractor participation.
The motion authorizing the negotiation and execution of a professional services agreement with Carter and Burgess, Inc. was approved.
19. Authorize negotiation and execution of an amendment to the professional services agreement with CAROLLO ENGINEERS, P.C., Austin, TX for professional engineering final design phase, bidding assistance services, and a portion of construction phase services on the new Water Treatment Plant No. 4 (WTP 4) site, in an amount of \$25,632,212 plus \$1,986,322 in allowance not to exceed \$27,618,534, for a total contract amount not to exceed \$42,118,534. Funding in the amount of \$27,618,534 is available in the Fiscal Year 2008 - 2009 Amended Capital Budget of the Austin Water Utility. There is 15.62% MBE and 5.88% WBE subconsultant participation to date. No recommendation by the Water and Wastewater Commission. Related to item #8.
The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Carollo Engineers, P.C. was approved.
20. Consider an amendment to set additional meeting dates to the 2008 Austin City Council meeting schedule.
This item was postponed to April 10, 2008.
21. Approve the execution of a five-year Interlocal Agreement with the HOUSING AUTHORITY OF THE CITY OF AUSTIN in an amount not to exceed \$432,500 with one five-year extension to operate programs and provide services to promote family self-sufficiency, education, job training, and economic development for residents and citizens Funding of \$112,500 will be included in the proposed Fiscal Year 2008-2009 budget and is contingent upon approval by Council. Funding for future years is contingent upon fund availability.
The motion approving the execution of an interlocal agreement with the Housing Authority of the City of Austin was approved.
22. Approve an ordinance to annex the Kitchell Tract annexation area for full purposes (Approximately 3 acres in eastern Travis County at the southwest corner of the intersection of US Highway 290 East and Decker Lane) and waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation. Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.
Ordinance No. 20080327-022 was approved.

Item 23 was pulled for discussion.

24. Authorize execution of proposed Change Order #5 to the construction contract with LAUGHLIN-THYSSEN, LTD., Houston, Texas, for the ACWP Barton Heights/Kinney Avenue Water and Wastewater

Improvements Project in an estimated amount of \$341,678 for a total contract amount not to exceed \$6,785,337.10. Funding in the amount of \$341,678 is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) with 6.43% MBE and 7.38% WBE subcontractor participation to date. No recommendation by the Water and Wastewater Commission.

The motion authorizing the execution of proposed change order number 5 to the construction contract with Laughlin-Thyssen, Ltd. was approved.

25. Authorize execution of a contract with LG WESTLAKE LIMITED PARTNERSHIP, to receive funds from this company and apply them towards construction of a northbound left turn lane and a southbound right turn lane on Loop 360, both leading to westbound Westlake Drive in the amount of \$435,072. Related to item #26.

The motion authorizing the execution of a contract with LG Westlake Limited Partnership was approved.

26. Authorize execution of an Interlocal agreement between the City of Austin and the Texas Department of Transportation to provide funds up to \$422,659 received from LG WESTLAKE LIMITED PARTNERSHIP for construction of a northbound left turn lane and a southbound right turn lane on Loop 360, both leading to westbound Westlake Drive. Related to item #25.

The motion authorizing the execution of an interlocal agreement between the City of Austin and the Texas Department of Transportation was approved.

27. Approve an ordinance amending Section 12-4-64(D) of the City Code to add a portion of Northwood Road to the list of streets having a maximum speed limit of 20 miles per hour during certain times for students attending Casis Elementary School and provide for emergency passage. Funding of \$400 for the installation of signs is available in the 2007-2008 Child Safety Fund of the Department of Public Works.

Ordinance No. 20080327-027 was approved.

28. Approve an ordinance amending Section 12-4-64(D) of the City Code to add a portion of San Antonio Street to the list of streets having a maximum speed limit of 20 miles per hour during certain times for students attending Saint Austin Catholic School and provide for emergency passage. Funding of \$400 for the installation of signs is available in the 2007-2008 Child Safety Fund of the Department of Public Works.

Ordinance No. 20080327-028 was approved.

29. Authorize negotiation and execution of a 6-month interlocal agreement with TRAVIS COUNTY, Austin, TX for free weatherization services for the economically disadvantaged in an estimated amount not to exceed \$220,000, with three 12-month extension options in an estimated amount not to exceed \$220,000 for each extension option, for a total estimated contract amount not to exceed \$880,000. Funding is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Funding for the remaining extension options is contingent upon available funding in future budgets. Interlocal Agreement. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is an Interlocal Agreement; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation.

The motion authorizing the negotiation and execution of an interlocal agreement with Travis County was approved.

30. Approve ratification of a contract with HAYWARD BAKER, INC., Keller, TX, for the emergency repair of a 72-inch diameter water transmission main for the Austin Water Utility for a total contract amount not

to exceed \$318,759. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Emergency Purchase. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

The motion approving the ratification of a contract with Hayward Baker, Inc. was approved.

31. Authorize award and execution of a contract through the TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) with THE TRANE COMPANY, Austin, TX, for the purchase and installation of two chillers for the Austin Water Utility in an amount not to exceed \$582,300. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a cooperative purchase; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.
- The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with the Trane Company was approved.**

32. Approve ratification of a 12-month Interlocal Agreement with UNIVERSITY OF TEXAS AT AUSTIN to provide consulting services on the use of polymers at the Hornsby Bend Biosolids Facility in an amount not to exceed \$47,700. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Water Utility. Interlocal Agreement. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is an interlocal agreement; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.
- The motion approving the ratification of an interlocal agreement with University of Texas at Austin was approved.**

33. Authorize award and execution of a contract through the HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) with CALDWELL COUNTRY CHEVROLET, Caldwell, TX, for the purchase of two police pursuit vehicles in an amount not to exceed \$66,106. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Police Department. The City will be reimbursed for the full amount through an existing interlocal agreement for regional mobility and transportation projects with Capital Metropolitan Authority. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a cooperative purchase; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation.
- The motion authorizing the award and execution of a contract through the Houston-Galveston Area Council of Governments (H-GAC) with Caldwell Country Chevrolet was approved.**

34. Authorize award and execution of a contract through the HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) with DALLAS DODGE, Dallas, TX for the purchase of two bio- diesel equipped cargo vans in an amount not to exceed \$64,116. Funding is available in the Fiscal Year 2007-2008 Vehicle Acquisition Fund. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a cooperative purchase; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation.
- The motion authorizing the award and execution of a contract through the Houston-Galveston Area Council of Governments (H-GAC) with Dallas Dodge was approved.**

35. Authorize award and execution of a 36-month requirements service contract with EXCELL FUELING SYSTEMS, Austin, TX for a maintenance and repair program for fuel tanks and for a one time cleaning to accept ethanol and biodiesel in an estimated amount not to exceed \$496,816, with three 12-month extension options in estimated amounts not to exceed \$120,023 for the first extension option, \$125,738 for the second extension option, and \$131,453 for the third extension option, for a total estimated contract amount not to exceed \$874,030. Funding in the amount of \$201,660 is available in the Fiscal Year 2007-2008 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 30 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements service contract with Excell Fueling Systems was approved.

36. Authorize award and execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with PHILPOTT MOTORS, LTD, Nederland, TX for the purchase of two bio diesel equipped EMS commander vehicles in an amount not to exceed \$92,494.94. Funding in the amount of \$48,687.97 is available in the Fiscal Year 2007-2008 Vehicle Acquisition Fund. Funding in the amount of \$43,806.97 is available in the Fiscal Year 2007-2008 Special Revenue Fund of the Emergency Medical Services Department through a grant by the Federal, DHS Homeland Security Grant Program. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation.

The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (Buyboard) with Philpott Motors, Ltd was approved.

37. Authorize award and execution of a 36-month requirements supply contract with RANDOM HOUSE, INC., Santa Ana, CA, for unabridged audio books on cassette and compact disc for the Austin Public Library in an estimated amount not to exceed \$630,000, with three 12-month extension options in an estimated amount not to exceed \$210,000 per extension option, for a total estimated contract amount not to exceed \$1,260,000. Funding in the amount of \$105,000 is available in the Fiscal Year 2007-2008 Operating Budget of the Library Department. Funding for the remaining 30 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements supply contract with Random House, Inc. was approved.

38. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

The following appointments were made:

Board

Nominated By:

Electric Utility Commission

Michael Webber

Council Member McCracken

- 39. Approve an ordinance adopting the City Manager's recommendations for Waterfront Overlay Task Force composition and action plan, and directing the City Manager to notify the designated boards and commissions to make their appointments. (Council Member Mike Martinez Council Member Sheryl Cole Council Member Lee Leffingwell)
Ordinance No. 20080327-039 was approved.

Items 40 and 41 were pulled to be heard after the related Executive Session item.

- 42. Approve waiver of bleacher use fees for the Blue Lapis Light Production to be held June 5 and June 12-15, 2008, at the J.J. Pickle Building at 300 E. 8th Street, Austin, TX. (Council Member Jennifer Kim Council Member Sheryl Cole Council Member Brewster McCracken)
The motion approving a waiver of bleacher use fees for the Blue Lapis Light Production was approved.
- 43. Approve waiver of certain fees and requirements for the Alzheimer's Association Capital of Texas Chapter memory walk to be held on October 8, 2008. (Mayor Pro Tem Betty Dunkerley Council Member Jennifer Kim Council Member Lee Leffingwell)
The motion approving the waiver of certain fees and requirements for the Alzheimer's Association Capital of Texas Chapter memory walk was approved.

Item 44 was pulled for discussion.

Items 45 through 52 were Executive Session items.

Items 53 through 59 were zoning items set for 4:00 p.m.

Items 60 and 61 were public hearing items.

DISCUSSION ITEMS

- 23. Authorize negotiation and execution of an amendment to the professional services agreement with ROMA Design Group, San Francisco, CA, to provide Phase 2 planning services as part of the Downtown Austin Plan, in an amount not to exceed \$200,000. Funding in the amount of \$100,000 is included in the Fiscal Year 2006-2007 Capital Budget of the Neighborhood Planning and Zoning Department; \$100,000 is available in the Fiscal Year 2007-2008 Operating Budget of the Neighborhood Housing and Community Development Department. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) with 3.94% MBE and 3.14% WBE subcontractor participation to date.
The motion authorizing the negotiation and execution of an amendment to the professional services agreement with ROMA Design Group was approved on Council Member McCracken's motion, Council Member Martinez' second on a 7-0 vote.
- 44. Set a public hearing to consider an ordinance amending Chapter 25-10, Sign Regulations and Chapter 13-2, Ground Transportation Services to clarify Chapter 25-10 and allow off-premise signs on limited portions of scenic roadways; prohibit advertisements on vehicles if such vehicles are driven solely or primarily for the purpose of advertising businesses that are unrelated to the vehicle's primary business; allow signs to be relocated to commercial districts with sign face areas of up to 672 square feet; change the way sign height is measured; define elevated travel ways and except major interchanges and intersections from that definition; clarify sign location measurements; allow the face size of newly relocated signs to be as large as the total aggregate square footage of the signs being relocated; require off-premise sign owners to register the signs and pay fees for all signs within the city's planning

jurisdiction; require energy efficient, pollution reduction lighting for off-premise signs within a certain time frame; require annual registration of all non-conforming off-premise signs; prohibit signs owners from relocating a sign if that sign owner is in violation of the sign regulations; establish notice requirement to notify sign owners of registration expiration; clarify and establish penalties for violations of the sign regulations; and impose registration requirements and registration fees on vehicles that transport passengers for profit and advertise unrelated businesses. (Suggested date and time: April 10, 2008, 6:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX.) To be reviewed by the Planning Commission and Urban Transportation Commission on April 8, 2008.

The public hearing was set for April 10, 2008 at 6:00 p.m., Austin City Hall at 301 West Second Street, Austin, TX on Council Member Martinez' motion, Council Member McCracken's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:15 a.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

The Mayor announced that Council would discuss item number 13 on the regular agenda during Executive Session.

- 45. Discuss legal issues related to approval of Service Extension Request No. 2696 for wastewater service for multi-family development located within the Drinking Water Protection Zone in the City's extraterritorial jurisdiction at 9101 Circle Drive (Private Consultation with Attorney - Section 5551.071) Related to Item #6.

This item was withdrawn.

- 48. Discuss legal issues relating to the Seaholm Power Plant building and property on West Cesar Chavez Street (Private Consultation with Attorney - Section 551.071).

This item was withdrawn.

Items 46 through 52 were discussed later in the Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:21 p.m.

CITIZEN COMMUNICATION: GENERAL

Jennifer Gale - Why are our kitties and puppies meowing and yelping for a "no kill" pet policy?

Pat Johnson - City Issues

Ken Vasseau - Recycle and Austin Landfills

Paul Robins - City Issues

DISCUSSION ITEM CONTINUED

13. Approve a resolution authorizing the City Manager to negotiate and execute all documents necessary to purchase in fee simple two tracts of land, with a combined total acreage of approximately 40.807 acres, located along FM 2769, Austin, Texas from Kenny Dryden for a total amount to be paid at closing of the purchase of the two tracts is not to exceed \$4,630,000. Total acquisition cost of the two tracts is \$5,780,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility Department.
Resolution No. 20080327-013 was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:44 p.m.

EXECUTIVE SESSION CONTINUED

46. Discuss legal issues relating to the labor negotiations for Fire, Police, EMS, and PSEM departments. (Private consultation with Attorney Section 551.071).
47. Discuss the proposed sale or lease of the Seaholm Power Plant building and property on West Cesar Chavez Street for redevelopment. (Real Property - Section 551.072)
49. Discuss legal issues related to Stop Domain Subsidies proposed charter amendment and its effect on City projects and economic development agreements (Private Consultation with Attorney - Section 551.071).
50. Discuss legal issues related to hearings before the State Office of Administrative Hearings on municipal solid waste permit amendment applications filed by Waste Management of Texas, Inc. and BFI Waste Systems of North America. (Private Consultations with Attorney - Section 551.071).
51. Evaluate the performance of and consider compensation and benefits for the City Auditor (Personnel matters - Section 551.074) Related to item #40.
52. Evaluate the performance of and consider compensation and benefits for the City Clerk (Personnel matters - Section 551.074) Related to item #41.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 4:53 p.m.

DISCUSSION ITEMS CONTINUED

41. Approve a resolution relating to the compensation and benefits for the City Clerk. Related to Item #52. (Mayor Will Wynn and Mayor Pro Tem Betty Dunkerley)
Resolution No. 20080327-041 was approved on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Council Member Cole was off dais. The compensation for the City Clerk was set at \$4,543.20 per pay period effective the first pay period following adoption of the resolution.
40. Approve a resolution relating to the compensation and benefits for the City Auditor. Related to Item #51. (Mayor Will Wynn and Mayor Pro Tem Betty Dunkerley)
Resolution No. 20080327-040 was approved on Mayor Pro Tem Dunkerley's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was off dais. The compensation for the City Auditor was set at \$4,920.00 per pay period effective the first pay period following adoption of the resolution.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Kim's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Cole was off the dais.

53. C814-97-0001.05 - Leander Rehabilitation PUD Amendment #6 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as North F.M. 620 Road (Lake Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. First reading approved on March 6, 2008. Vote: 7-0. Applicant: Pacific Summit Partners. Agent: Armbrust & Brown, L.L. P. (David Armbrust). City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 20080327-053 for planned unit development (PUD) district zoning to change a condition of zoning was approved.
54. C14-2007-0084 - Elm Terrace - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3215 Exposition Boulevard (Taylor Slough North Watershed) from unzoned and family residence (SF-3) district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning with conditions. Second reading approved on February 28, 2008. Vote: 7-0. First reading approved on November 29, 2007. Vote: 7-0. Applicant: Austin Elm Terrace, LP (Steve D. Buerlein). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Jorge E. Rousselin, 974-2975.
This item was postponed to April 10, 2008 at the applicant's request.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member Martinez' motion, Council Member McCracken's second on a 6-0 vote. Council Member Cole was off the dais.

55. C14-2008-0011 - SW Corner of U.S. 290E Frontage Road and Decker Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the southwest corner of U.S. 290E Frontage Road and Decker Lane (Gilleland Creek Watershed) from unzoned to commercial highway services-conditional overlay (CH-CO) combining district zoning. Staff Recommendation: To grant commercial highway services-conditional overlay (CH-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant commercial highway services-conditional overlay (CH-CO) combining district zoning. Applicant: Decker Land Holdings, LP, a Delaware Partnership (Don Glatthorn). Agent: Dougherty, Hearon & Moody (Peter Cesaro). City Staff: Joi Harden, 974-2212.
Ordinance No. 20080327-055 for commercial highway services-conditional overlay (CH-CO) combining district zoning was approved.
56. C14-2007-0210 and C14H-2007-0011 - Kocurek Building - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 511 West 41st Street (Waller Creek Watershed) from family residence-neighborhood conservation combining district (SF-3-NCCD) combining district zoning to neighborhood office-historic landmark-neighborhood conservation combining district (NO-H-NCCD) combining district zoning. Staff Recommendation: To grant neighborhood office-historic landmark-neighborhood conservation combining district (NO-H-NCCD) combining district zoning. Planning Commission Recommendation: To grant neighborhood

office-historic landmark-neighborhood conservation combining district (NO-H-NCCD) combining district zoning. Historic Landmark Commission Recommendation: To grant neighborhood office-historic-neighborhood conservation combining district (NO-H-NCCD) combining district zoning. Applicant and Agent: Vanguard Design Build (Michael Rhoades). City Staff: Jorge E. Rousselin, 974-2975.

The first reading of the ordinance for neighborhood office-historic landmark-neighborhood conservation combining district (NO-H-NCCD) zoning was approved. The conditions were as follows: minimum lot area shall be 5,900 square feet; 2-family use shall be allowed on a lot not less than 5,900 square feet; building coverage – allowable to be 55%; impervious coverage – allowable to be 91%; maximum FAR – 0.5:1; minimum setbacks shall be front setback – 0, rear setback – 5 feet, interior side yard setback – 10 feet, and alley setback – 0 feet; the secondary dwelling on the eastern portion of the property shall be limited to a maximum of 750 square feet and two bedrooms; maximum number of parking spaces shall be five; McMansion articulation and tent shall not apply along the western property line abutting the existing alley; and the driveway width must be greater than 10 feet in width, but less than 15 feet. The occupancy should be limited to two unrelated adults in the east building and three in the west building.

58. C14-2008-0043 - Barton Hills Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Barton Hills Neighborhood Planning Area, bounded by Robert E. Lee, Rabb Road, Rae Dell Avenue, Barton Skyway, & Lamar Boulevard to the east, Stearns Lane & MoPAC Expressway Northbound to the west, and Lady Bird Lake to the north (Barton Creek, Eanes Creek and Town Lake Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties within the Barton Hills Neighborhood Planning Area from the overlay district. Planning Commission Recommendation: To grant vertical mixed use building (V) district and to exclude certain tracts from the vertical mixed use overlay district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Gregory Montes, 974-2629.
This item was postponed to April 10, 2008 at the staff's request.

59. C14-2007-0237 - Old West Austin Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process, Tract 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to Tract 1 (1209 Parkway) within the Old West Austin Neighborhood Planning Area, bounded by Enfield Road on the north, North Lamar Boulevard on the east, Lady Bird Lake on the south, and North MoPac Expressway on the west (Town Lake Watershed, Shoal Creek Watershed, Johnson Creek Watershed). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties within the Old West Austin Neighborhood Planning Area from the overlay district. Planning Commission Recommendation: To amend the boundaries of the VMU Overlay District to exclude Tract 1. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen, 974-7226.

Ordinance No. 20080327-059 to amend the boundaries of the VMU Overlay District to exclude Tract 1 was approved.

Mayor Wynn recessed the Council Meeting at 5:30 p.m.

LIVE MUSIC

The McCallum Orchestra

PROCLAMATIONS

Proclamation -- Wildfire Awareness Week -- to be presented by Mayor Will Wynn and to be accepted by Fire Chief J.J. Adame

Proclamation -- Community Development Block Grant Week -- to be presented by Mayor Will Wynn and to be accepted by Margaret Shaw

Proclamation -- Pan American Day -- to be presented by Mayor Will Wynn and to be accepted by Janet Roberts and Gloria Pennington

Proclamation -- Getting Connected Conference Day -- to be presented by Mayor Will Wynn and to be accepted by Rosy Jalifi

Proclamation -- Sinclair Black Day -- to be presented by Mayor Will Wynn and to be accepted by the honoree

Proclamation -- MLK Commemoration Week -- to be presented by Council Member Sheryl Cole and to be accepted by Akwasi Evans

Proclamation -- Cesar Chavez Day -- to be presented by Council Member Mike Martinez and to be accepted by Susana Almanza.

Mayor Wynn called the Council Meeting back to order at 6:27 p.m.

ZONING DISCUSSION ITEM

57. C14-2007-0255 - Holly's Retirement - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10614 Macmora Road (Walnut Creek Watershed) from single-family residence-large lot-neighborhood plan (SF-1-NP) combining district zoning to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. Applicant and Agent: Holly L. Armstrong. City Staff: Sherri Sirwaitis, 974-3057. A valid petition has been filed in opposition to this rezoning request. **The motion to close the public hearing and deny the zoning request for townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning was approved on Council Member McCracken's motion, Council Member Kim's second on a 7-0 vote.**

PUBLIC HEARING

60. Conduct a public hearing and consider an ordinance amending (1) provisions of the 2006 International Residential Code relating to inspector qualifications and requirements for exterior walls, and (2) provisions of the 2003 Plumbing Code relating to permitting, inspection, and registration. Amendments to the 2006 International Residential Code were recommended by the Building and Fire Code Board of Appeals.

The public hearing was closed and Ordinance No. 20080327-060 was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

61. Conduct a public hearing and consider floodplain variances requested by Mr. Mark Hill Dorsett to allow the enclosure and modification of an existing screened porch at his single-family residence at 5906 Cherry Creek Drive in the 100-year floodplain of Williamson Creek with proposed finished floor elevation being below the 100-year floodplain elevation and including a request to waive the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprint of the existing and modified structure.

Ordinance No. 20080327-061 was approved on Council Member Martinez' motion, Council Member McCracken's second on a 5-2 vote. Council Members Kim and Leffingwell voted no.

Mayor Wynn adjourned the meeting at 7:25 p.m. without objection.

The minutes for the Regular Meeting of March 27, 2008 were approved on this the 10th day of April 2008 on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.